IN THE UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

FISHMAN HAYGOOD PHELPS WALMSLEY, WILLIS & SWANSON, L.L.P., and all others similarly situated,) CASE NO. 1:09-cv-10533-PBS
Plaintiffs,)
VS.)
STATE STREET CORPORATION, STATE STREET BANK AND TRUST CO., STATE STREET BANK AND TRUST CO. OF NEW HAMPSHIRE, AND STATE STREET GLOBAL ADVISORS,)))))
Defendants.)

ASSENTED TO MOTION TO FILE DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL AND CONFIDENTIAL DOCUMENTS UNDER SEAL

Pursuant to Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts, Defendants State Street Corporation, State Street Bank and Trust Company (together with its division State Street Global Advisors), and State Street Bank and Trust Company of New Hampshire ("Defendants") petition the Court to allow them to file documents under seal for the reasons set forth below. Plaintiff has assented to the motion.

On December 8, 2009, the Court entered a protective order that provided, among other things, that all material or information designated as confidential or highly confidential must be filed under seal pursuant to this Court's procedures for same. (Docket No. 46, ¶ H.) Defendants have served Plaintiff with its Opposition to Plaintiff's Motion to Compel Production of

Additional Witness to Provide Testimony on Behalf of Defendants Pursuant to Federal Rule of Civil Procedure 30(b)(6), as well as a supporting declaration and exhibits. Defendants' Memorandum in Opposition and accompanying exhibits contain confidential information.

Prayer for Relief

WHEREFORE, all parties respectfully request that the Court allow Defendants to file the following document in redacted form pursuant to Rule 7.2 of the Local Rules:

• Defendants' Opposition to Plaintiff's Motion to Compel Production of Additional Witness to Provide Testimony on Behalf of Defendants Pursuant to Federal Rule of Civil Procedure 30(b)(6)(B)(6).

WHEREFORE, all parties respectfully request that the Court allow Defendants to file the following document under seal pursuant to Rule 7.2 of the Local Rules:

• Declaration of Dawn M. Wilson in Support of Defendants' Opposition to Plaintiff's Motion to Compel Production of Additional Witness to Provide Testimony on Behalf of Defendants Pursuant to Federal Rule of Civil Procedure 30(b)(6)(B)(6), with accompanying exhibits.

Dated: January 29, 2009 Respectfully submitted,

/s/ Lori A. Martin

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2010, I caused a copy of this Document and its attachments to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Lori A. Martin

Dawn M. Wilson